



General Assembly

January Session, 2001

Raised Bill No. 6764

LCO No. 3809

Referred to Committee on General Law

Introduced by:
(GL)

***AN ACT CONCERNING LICENSING OF HOME MEDICAL EQUIPMENT
AND REHABILITATION TECHNOLOGIES SERVICES PROVIDERS.***

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

- 1 Section 1. (NEW) As used in sections 1 to 8, inclusive, of this act:
- 2 (1) "Department" means the Department of Consumer Protection;
- 3 (2) "Commissioner" means the Commissioner of Consumer
4 Protection or the commissioner's designee;
- 5 (3) "Home medical equipment and rehabilitation technologies
6 services provider" means a person engaged in the business of
7 providing home medical equipment and rehabilitation technologies
8 services whether directly or through a contractual arrangement, to an
9 unrelated sick or disabled individual where that individual resides;
- 10 (4) "Home medical equipment and rehabilitation technologies
11 services" means the delivery, installation, maintenance or replacement
12 of, or instruction in the use of, medical equipment used by a sick or
13 disabled individual to allow the individual to be maintained in a
14 residence; and

15 (5) "Home medical equipment and rehabilitation technologies"
16 means medical devices usable in a home care setting, including, but
17 not limited to: (A) Oxygen delivery systems; (B) ventilators; (C)
18 respiratory disease management devices; (D) electronic and computer
19 driven wheelchairs and seating systems; (E) apnea monitors; (F)
20 transcutaneous electrical nerve stimulator (TENS) units; (G) low air
21 loss cutaneous pressure management devices; (H) sequential
22 compression devices; (I) neonatal home phototherapy devices; (J)
23 feeding pumps; and (K) other equipment as may be designated by the
24 commissioner.

25 Sec. 2. (NEW) (a) No person shall engage in home medical
26 equipment and rehabilitation technologies services unless that person
27 has obtained a license under this section act or except as otherwise
28 provided by section 3 of this act.

29 (b) Persons who provide home medical equipment or rehabilitation
30 technologies services from more than one location within the state
31 shall be required to obtain a license for each such location under this
32 section.

33 (c) No person shall receive a license, except as provided in
34 subsection (e) of this section, unless such person: (1) Complies with
35 HCFA Supplier Standards governing the safety of home medical
36 equipment services provider facilities, the safety and quality of home
37 medical equipment and the safety, quality and effectiveness of home
38 medical equipment service procedures; (2) establishes procedures to
39 ensure that all personnel engaged in the delivery, maintenance, repair,
40 cleaning and inventory control of home medical equipment and
41 rehabilitative technologies receive appropriate training; (3) maintains
42 clinical records on all patients receiving home medical equipment and
43 rehabilitative technologies services; and (4) establishes equipment
44 management and personnel policies.

45 (d) Applicants for a license shall submit the application to the
46 department on forms prescribed and furnished by the commissioner.

47 The fee for the application shall be one hundred dollars. The license to
48 engage in the provision of home medical equipment and rehabilitation
49 technologies services shall be effective upon written notification from
50 the department that the applicant meets the standards and has
51 otherwise complied with the requirements of this act.

52 (e) Notwithstanding subsection (c) of this section, the department
53 shall issue a license upon receipt of a copy of a valid accreditation
54 letter from the Joint Commission on the Accreditation of Healthcare
55 Organizations (JCAHO) or the Community Health Accreditation
56 Program (CHAP).

57 Sec. 3. (NEW) The licensure requirements of this act do not apply to
58 the following persons unless such persons furnish home medical
59 equipment and rehabilitation technologies services through a separate
60 entity: (1) Home health agencies except for agencies that also engage in
61 the provision of home medical equipment and rehabilitation
62 technologies; (2) hospitals; (3) manufacturers and wholesale
63 distributors that do not sell directly to the patient; (4) licensed health
64 care practitioners who prescribe or order home medical equipment or
65 rehabilitation technologies acting within the scope of their practice,
66 including, but not limited to, physicians, nurses, physical therapists,
67 respiratory therapists, occupational therapists, speech pathologists,
68 optometrists, chiropractors and podiatrists; (5) pharmacists and
69 pharmacies; (6) hospice programs; (7) nursing homes; (8) veterinarians;
70 (9) dentists; and (10) emergency medical services.

71 Sec. 4. (NEW) Licenses issued under section 2 of this act shall be
72 renewed annually, in accordance with the provisions of section 19a-88
73 of the general statutes, on payment of the renewal fee of one hundred
74 dollars to the department.

75 Sec. 5. (NEW) (a) The commissioner may inspect all license
76 applicants for compliance with the requirements of section 2 of this act
77 prior to the issuance of a license pursuant to section 2 of this act.

78 (b) The commissioner may conduct random inspections for cause or
79 as necessary upon renewal of a license to ensure the integrity and
80 effectiveness of the licensing process.

81 (c) At any time upon the filing of a substantive, relevant complaint
82 by a consumer of services or other qualified source as identified by the
83 commissioner, the commissioner may inspect the operations of the
84 complaint charged provider to determine compliance with this act.

85 (d) Upon notice of a failure to pass an inspection and obtain a
86 license or renewal of a license pursuant to sections 2 and 4 of this act,
87 an applicant shall have thirty days to appeal the inspection results or
88 be subject to penalties pursuant to section 7 of this act. Upon appeal,
89 an applicant shall have the right to an inspection review or new
90 inspection in accordance with procedures adopted by the
91 commissioner.

92 Sec. 6. (NEW) The commissioner shall adopt regulations, in
93 accordance with the provisions of chapter 54 of the general statutes, to
94 carry out the provisions of sections 2 to 5, inclusive, of this act.

95 Sec. 7. (NEW) Any person who violates any provision of section 2 of
96 this act shall for each offense be fined not more than five hundred
97 dollars or be imprisoned for not more than ninety days, or both. The
98 commissioner may enjoin any person who violates any provision of
99 this act from providing home medical equipment and rehabilitative
100 technologies services until such time as the person comes into
101 compliance with the provisions of section 2 of this act.

102 Sec. 8. (NEW) The commissioner may establish a Home Medical
103 Equipment Advisory Council to make recommendations to the
104 commissioner regarding the addition of new medical equipment or
105 rehabilitative technologies to be covered by the provisions of section 2
106 of this act and to advise the commissioner regarding the regulations
107 adopted under section 6 of this act.

Statement of Purpose:

To require licensure of home medical equipment and rehabilitation technologies service providers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]